

Application No. 09/737,965

### REMARKS

The Office Action of February 25, 2005 has been carefully considered. Reconsideration of this application, as amended, is respectfully requested. Claims 3-7, 10-11, and 16-28 are pending in this application. Of these, claims 10, 16, and 25 are independent claims.

A Preliminary Amendment mailed February 22, 2004 amended claim 4, and an Amendment mailed October 29, 2004 amended claims 3, 10-11, and 16-17, canceled claims 1-2, 8-9, and 12-15, and added new claims 21-28.

This Amendment amends independent claims 10, 16, and 25. Support for the amendments may be found in Applicant's specification page 9, line 9 to page 10, line 10. No new matter is therefore believed to be introduced by these Amendments.

#### 1. Response to Rejection Under 35 USC 103

On pages 2-13 of the Office Action, claims 3-7, 10-11, 16-21, 23, and 25-28 are rejected as follows:

- (A) Claims 3-4, 10-11, 16, 20, and 25 were rejected under 35 USC 103(a) as being unpatentable over Mancuso et al., U.S. Patent No. 6,618,511 (hereinafter referred to as Mancuso) in view of Sussman et al., U.S. Patent No. 5,686,960 (hereinafter referred to as Sussman);
- (B) Claims 5-7, 17-19, and 28 were rejected under 35 USC 103(a) as being unpatentable over Mancuso in view of Sussman and further in view of Herman et al., U.S. Patent No. 6,075,905 (hereinafter referred to as Herman);
- (C) Claims 21 and 23 were rejected under 35 USC 103(a) as being unpatentable over Mancuso in view of Sussman and further in view of Yokota et al., U.S. Patent No. 6,118,484 (hereinafter referred to as Yokota);
- (D) Claims 26 and 27 were rejected under 35 USC 103(a) as being unpatentable over Mancuso in view of Sussman and further in view of Chen et al., U.S. Patent Publication No. 2001/0010546 (hereinafter referred to as Chen); and
- (E) Claim 28 was rejected under 35 USC 103(a) as being unpatentable over

Application No. 09/737,965

Mancuso in view of Sussman and further in view of Chen in view of Herman.

In response thereto Applicant amends independent claims 10, 16, and 25 to more distinctly set forth Applicant's invention in view of the cited references. Applicant respectfully submits that the sections of Mancuso and Sussman recited in the Office Action relating to the above cited rejection of claims 10, 16, and 25 fail to disclose or suggest as claimed by Applicant in now amended claims 10, 16, and 25, an apparatus for capturing an image, and method therefor, that includes an image capture device that is positioned at an oblique angle to the object scene to capture plural image segments thereof, wherein the image capture device compensates for perspective distortion by increasing, at a level that varies depending on the oblique angle to the object scene, the zoom setting as the focus distance is increased.

More specifically, the Office Action concedes that Mancuso "fails to distinctly state that the plural image segments that are sent to the image compositor are captured at different focus distances and zoom settings and that the focus settings and zoom settings are varied in combination" (see the Office Action page 3, line 21 to page 4, line 3). In contrast at column 9, lines 3-15, Sussman discloses inserting a zoom in the optical path of the image capture device shown in Figure 3A. However, Sussman fails to disclose or suggest in the cited section, taken singly or together with Mancuso, an image capture device, as claimed by Applicant in amended claims 10, 16, and 25, that compensates for perspective distortion by increasing, at a level that varies depending on an oblique angle to an object scene, the zoom setting as the focus distance is increased.

Accordingly, Applicant respectfully submits that independent claims 10, 16, and 25 as amended are patentably distinguishable over Mancuso taken singly or in combination with Sussman. There is no need to specifically address the merits of the dependent claims at this time that have been rejected based on a combination of Mancuso and Sussman and Herman, Yokota, or Chen as they depend from an independent claim that is now believed to be allowable. Thus, insofar as claims dependent 3-7, 11, and 17-21, 23, and 26-28 are concerned, these claims depend from one of now presumably allowable independent claims 10, 16, and 25 and are also believed to be in allowable condition.

Application No. 09/737,965

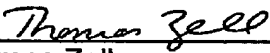
## 2. Allowable Claims

On page 13, the Office Action indicates that claims 22 and 24 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The undersigned appreciates this indication of allowable subject matter.

## 3. Conclusion

In view of the foregoing remarks, reconsideration of this application and allowance thereof are earnestly solicited. In the event the Examiner considers a personal contact advantageous to the disposition of this case, the Examiner is hereby requested to call Attorney for Applicant(s), Thomas Zell.

Respectfully submitted,

  
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